

AUG 15 2007

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From: Andrew J. Cameron, Reg. No. 50,281
Date: August 15, 2007 Time: _____
Operator: Elizabeth J. Martinez Matter: 42P18501
Number of pages including cover sheet: 4
In Re Patent Application of: Zimmer et al.
Application No.: 10/786,284 Confirmation No.: 4006
Filed: February 25, 2004 Art Unit: 2136
For: SYSTEM AND METHOD TO SUPPORT PLATFORM FIRMWARE AS A
TRUSTED PROCESS

Enclosed are the following documents:

- ☒ Comments on Statement of Reasons for Allowance under
M.P.E.P. § 1302.14(V)- (3 pages)

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August 15, 2007	Elizabeth J. Martinez	<i>Elizabeth J. Martinez</i>	8-15-07
Date Faxed	Name	Signature	Date

Attorney Docket No.: 42P18501

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Zimmer et al

Application No.: 10/786,284

Filed: February 25, 2004

For: SYSTEM AND METHOD TO SUPPORT
PLATFORM FIRMWARE AS A TRUSTED
PROCESS

Examiner: Johnson, Carlton

Art Unit: 2136

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE UNDER
M.P.E.P § 1302.14(V)

Sir/Madam:

In response to the Notice of Allowance mailed August 10, 2007, Applicants respectfully request the Examiner to enter the following comments on the Examiner's statement of reasons for allowance into the record.

Attorney Docket No.: 42P18501
Application No.: 10/786,284

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Examiner: Johnson, Carlton
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COMMENTS

Claims 1-20 and 23-28 remain pending in the instant application. Claims 1-20 and 23-28 are currently allowed. Entry of these comments into the record is respectfully requested.

The Notice of Allowance mailed August 10, 2007 states that "[t]he current prior art discloses the capability to measure a current portion of firmware during a pre-boot phase of a computer system operation." Applicants respectfully disagree.

First, the statement reproduced above does not cite to any specific reference, only that "the current prior art" discloses what is asserted. The Notice of Allowance does not make clear which specific references are being cited. Thus, the statement is vague and is without support.

Second, assuming that the statement is referring to the cited references of the February 14, 2007 Office Action, Applicants assert none of these reference, either singularly or in combination disclose, teach, or suggest each and every element of the claims. For example, Claims 1-20 and 23-28 were rejected in the February 14, 2007 Office Action under 35 U.S.C. § 103(a) as being unpatentable over Chen et al. (US 7,069,439) in view of various combinations of Gulick et al. (US 7,065,654) and Challenger (US 2005/0138393). Applicants respectfully assert that these cited references fail to disclose, teach or suggest the expressly recited element of "*...measuring a portion of a current set of firmware components during an operating system (OS)-runtime phase of the computer system...*", as is more fully explained below.

Chen discloses generally a computing apparatus using secure authentication arrangements. In particular, Chen discloses a security control policy using a logon smart card. Chen, col. 3, line 46, FIG. 7 and associated text of Chen discloses a process of mutually authenticating a logon smart card and a host platform during an OS runtime. Chen discloses steps 700-775 which include a user inserting a logon smart card, transmitting a nonce, verifying certificates, and either granting or denying access to the host platform. Nowhere in the process of FIG. 7, or elsewhere in the patent, does Chen disclose measuring a portion of firmware during an **OS-runtime phase** of a computer system.

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To be sure, Chen does disclose acquiring an integrity metric of the computing platform (e.g., firmware). Chen, col. 7, lines 14-26. However, Chen discloses that the integrity metric is acquired during a secure boot process. That is, before the operating system is loaded. Thus, Chen discloses acquiring an integrity metric of firmware BEFORE the operating system is loaded, not DURING an os-runtime phase, as expressly recited by Applicants.

The Office Action mailed 02/14/07 cites to col. 6, lines 34-42 of Chen to allegedly show Applicants' claimed element of measuring a portion of a current set of firmware components during an OS-runtime phase of the computer system. See Office Action, page 17. Applicants respectfully disagree. Instead, this cited portion of Chen simply recites that after the BIOS program is executed, control is handed over to the OS, not that a portion of firmware components are measured during an OS-runtime, as claimed by Applicants.

Neither Gulick, nor Challenger cure the deficiencies of Chen. Thus, the cited references fail to disclose each and every element of claims.

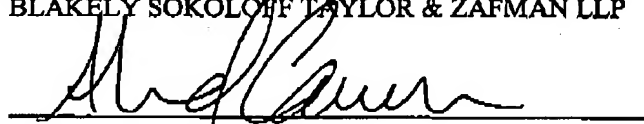
CONCLUSION

However, despite the above, Applicants will allow the present application with the claims as presented by the Examiner's amendment of August 10, 2007, to issue in the interest of expediting a timely issuance of the subject application. The Examiner is invited to telephone the undersigned representative at (206) 292-8600 if the Examiner believes that an interview might be useful for any reason.

Respectfully submitted,

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP

Date: 8/15/07



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